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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,709

12/02/2004

Matthew P. Nelson

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07/11/2007

DUANE MORRIS, LLP

IP DEPARTMENT

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103-4196

EXAMINER

AHMED, MASUD

ART UNIT

PAPER NUMBER

3709

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,709

Applicant(s)

NELSON ET AL.

Examiner

Masud Ahmed

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12/24/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/8/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner has considered the Information Disclosure Statement submitted by the applicant on 04/08/2004.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuyoshi et al (JP2002-066141). Kazuyoshi teaches a gaming device in a public network having following limitations.

Regarding claims 1 and 8, Kazuyoshi discloses a gaming machine that is connected in a public network having capability of sending and receiving emails from each individual player, thus each player are identified by their email addresses (para 0031, lines 1-3, Fig 2, 11 and para 0033, lines 1-5). Kazuyoshi further discloses email sentences get analyzed to obtain instruction information for the game (para 0035, lines 1-5); and the text information get judged or evaluated for the status of the game, thus the state of the game progress can be determined (para 0035, lines 5-9). Kazuyoshi also teaches reply back to the player with the updated information and the status of the game story (para 0040, lines 4-7), and it is understood that players are identified by the sent emails to the game machine and replies are sent to those emails as well. Even though it is well

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known in the art, when a device updates a status of any data it has to compare the updating data to a stored data, Kazuyoshi teaches the game text analysis and the evaluation that can be interpreted as evaluating story in a game or the progress state of the game for the player.

Regarding claim 2, Kazuyoshi teaches a gaming machine that has pre-determined stored words (Fig 2, 23) where the words get analyzed from the content of the email (para 0036, lines 1-30).

Regarding claim 5, Kazuyoshi discloses a gaming device having pre-determined image data that can be attached to the development of the game state or story (para 0040, lines 1-5).

Regarding claim 9, Kazuyoshi teaches a gaming device where the device is a mobile phone (para 0026, line 3 and Drawing 1).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuyoshi et al (JP2002-066141), in view of James et al (US 6,179,713).

Regarding claim 3, Kazuyoshi teaches a gaming device having capability of sending and receiving emails, where based on the email content comparing with pre-

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determined server based data, a state or story of a game is determined. If a player sent text does not match with the pre-determined content on the server, which would not apply as a command or direction for the game, which would cause an error. However, Kazuyoshi failed to disclose an error message being send to the player when an error occurs. James teaches a command base network multiplayer game having a validity function of checking the command for an error and send the error message to the player (col 9, lines 1-10) Therefore it would have been obvious for one having ordinary skill in the art to understand that unmatched text would cause and error and player would be notified in order to further progress in the game and incorporate James into Kazuyoshi to have error handling email message.

Regarding claim 4, Kazuyoshi teaches a gaming device having email functionality and a pre-determined text or object-based game. However Kazuyoshi fails to specifically disclose computing the time in between the email messages or the commands. James teaches a command base network multiplayer game that has pre-determined text and the player time is computed to determine the state of the game progress (col 10, lines 35-55). Therefore it would have been obvious for one skilled in the art to modify Kazuyoshi's software to compute time in between game states.

Regarding claim 6, Kazuyoshi teaches a gaming device that has a pre-determined command stored on the game server, which are compared with player text command to progress the game. However Kazuyoshi fails to teach various types of information such as words being distributed in a public network and being available to the players. James teaches a command based multiplayer network game that

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distributes various types of player information through a public network and available to the players (col 3, lines 65-66 and col 4, lines 1-8). Therefore it would have been obvious for one having ordinary skill in the art to modify Kazuyoshi's web server based information and incorporate James web player information available to the players.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koichi et al (JP10328416)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Masud Ahmed whose telephone number is 571 270 1315. The examiner can normally be reached on Mon-Fri 9:30am-5: 30pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on 571 272 4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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GARY JACKSON
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Gary Jackson", written over the printed name and title.